

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:25-cv-22896-KMW

FRIENDS OF THE EVERGLADES, INC., a Florida not-for-profit corporation, and CENTER FOR BIOLOGICAL DIVERSITY, a 501(c)(3) nonprofit organization,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as Secretary of the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TODD LYONS, in his official capacity as Acting Director of the UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; KEVIN GUTHRIE, in his official capacity as Executive Director of the Florida Division of Emergency Management; and MIAMI-DADE COUNTY, a political subdivision of the State of Florida,

Defendants.

and

THE MICCOSUKEE TRIBE OF INDIANS,

Proposed Intervenor.

**PLAINTIFFS' NOTICE OF FILING RESPONSE TO
FDEM'S "SUPPLEMENTAL AUTHORITY"**

Plaintiffs Friends of the Everglades, *et al.* hereby respond to the Notice of Supplemental Authority (the "Notice") filed by Defendant Kevin Guthrie, in his official capacity as Executive Director of the Florida Division of Emergency Management (D.E. 79) and state as follows:

1. FDEM has filed as a “supplemental authority” under S.D. Fla. L.R. 7.8¹ a map purportedly showing that 2.2% of the “site” (which is not a defined term in the Notice) lies within Miami-Dade County. FDEM has reached this conclusion by arbitrarily shading a portion of the TNT airport property in red in a map attached to the Notice. FDEM does not explain why or how it excluded large swaths of the TNT airport property from its red-shaded areas. Construction activities in connection with building the mass detention center have demonstrably occurred outside of the red shaded areas, including fencing installed to Tamiami Trail.

2. Attached as Exhibit A hereto is a declaration of Geographic Information Systems specialist Curt Bradley demonstrating that, according to property records and published materials, 27.9% of the Dade Collier Training and Transition Airport (the “TNT Site”) lies within Miami-Dade County.

Dated: August 1, 2025

Respectfully submitted,

EARTHJUSTICE
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Counsel for Friends of the Everglades

Counsel for Plaintiffs

¹ S.D. Fla. 7.8 applies to “authorities” that come to a party’s attention after a filing or argument. FDEM’s supplement is neither a new “authority” nor is it new information that was not available prior to FDEM’s memorandum on venue or the July 30, 2025 hearing.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 1, 2025, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record on the Service List below via transmission of Notice of Electronic Filing generated by CM/ECF.

s/ Paul J. Schwiep _____

Service List	
Nathan A. Forrester Chief Deputy Solicitor General nathan.forrester@myfloridalegal.com Robert S. Schenck Assistant Solicitor General robert.schenck@myfloridalegal.com Office of the Attorney General The Capitol, PL-01 Tallahassee, Florida 32399-1050 Telephone: (850) 414-3300 jenna.hodges@myfloridalegal.com _____ Boies Schiller Flexner LLP Jesse Panuccio, Esq. jpanuccio@bsflp.com Evan Ezray, Esq.	HAYDEN P. O'BYRNE United States Attorney Carlos J. Raurell Assistant U.S. Attorney carlos.raurell@usdoj.gov 99 Northeast 4 th Street Miami, Florida 33132 Telephone: (305) 961-9243 melissa.Jiminson@usdoj.gov _____ ADAM R.F. GUSTAFSON Acting Assistant Attorney General Environment and Natural Resources Division United States Department of Justice Peter M. Torstensen, Jr. Deputy Assistant Attorney General

<p>eezray@bsfllp.com David Costello, Esq. dcostello@bsfllp.com 401 East Las Olas Boulevard, Suite 1200 Fort Lauderdale, Florida 33301 Telephone: (954) 356-0011 jpanuccio@BSFLLP.com ftleserve@bsfllp.com</p> <p><i>Counsel for Defendant Kevin Guthrie, in his official capacity as Executive Director of the Florida Division of Emergency Management</i></p>	<p>Environment and Natural Resources Division United States Department of Justice Hayley A. Carpenter Trial Attorney hayley.carpenter@usdoj.gov Natural Resources Section Ben Franklin Station P.O. Box 7611 Washington, D.C. 20044-7611 Telephone: (202) 305-0242</p> <p><i>Counsel for Kristi Noem, in her official capacity as Secretary, United States Department of Homeland Security, and Todd Lyons, in his official capacity as Acting Director, United States Immigration and Customs Enforcement</i></p>
<p>GERALDINE BONZON-KEENAN Miami-Dade County Attorney Christopher J. Wahl Assistant County Attorney wahl@miamidade.gov Monica Rizo Perez Assistant County Attorney rizo@miamidade.gov David M. Murry Assistant County Attorney DMMurray@FlyMIA.com Stephen P. Clark County 111 Northwest 1st Street, Suite 2810 Miami, Florida 33128 Telephone: (305) 375-5151 Victor.Rodriguez3@miamidade.gov Madalis.Gonzalez@miamidade.gov KGriffin@FlyMIA.com</p> <p><i>Counsel for Miami-Dade County</i></p>	<p>Todd R. Friedman, Esq. todd@toddfriedmanpa.com TODD R. FRIEDMAN, P.A. 1101 Brickell Avenue Suite S-700 Miami, Florida 33131 Telephone: (786) 536-7190</p> <p><i>Counsel for The Miccosukee Tribe of Indians</i></p>